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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,171	03/27/2001	Hiroshi Kaibara	1232-4692	1895
27123	7590	05/18/2005	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101				NGUYEN, LUONG TRUNG
		ART UNIT		PAPER NUMBER
		2612		

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/818,171	KAIBARA, HIROSHI
	Examiner	Art Unit
	LUONG T. NGUYEN	2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 02 December 2004.

2a) This action is FINAL.                                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 12/02/2004 have been fully considered but they are not persuasive.

In re page 10, Applicant argues that Takayama fails to show or suggest the teachings of the features of the present invention, i.e., storing the manually set conditions, determining whether a manual mode is selected and automatically reading/setting the manually set conditions if the manual mode is selected.

In response, regarding claim 1, the Examiner considers that Takayama et al. does disclose these features. Takayama et al. discloses memory 46 for storing focus detection areas (storing the manually set image sensing conditions, column 6, lines 35-46). Takayama et al. discloses CPU 41 determines the manual mode and reads the focus detection areas and display (set) on the focus detection area display 43, determining whether a manual mode is selected and automatically reading/setting the manually set conditions if the manual mode is selected, column 7, lines 24-51).

### ***Claim Objections***

2. Claims 4-5, 7-11, 14-15, 17, 20-23 are objected to because of the following informalities: Claim 4 (line 2), claim 7 (line 2), claim 14 (line 2), claim 17 (line 2), “storing image sensing conditions” should be changed to --storing the manually set image sensing conditions--.

Claim 5 (line 3), claim 8 (lines 1-2), claim 9 (lines 1-2), claim 10 (line 2), claim 11 (line 2), claim 15 (line 4), claim 20 (lines 1-2), claim 21 (lines 1-2), claim 23 (lines 6-7), “the image sensing conditions” should be changed to --the manually set image sensing conditions--.

Claim 22 (line 3), “the program code, when executed” should be changed to --the program code means, when executed--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 2-4, 13-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2 (line 2) recites the limitation "the" in “the predetermined image sensing condition”.

Claim 3 (lines 1-2), claim 4 (lines 1-2), claim 13 (lines 1-2), claim 14 (lines 1-2), recite the limitation "said" in “said predetermined image sensing condition”.

There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Takayama et al. (US 5,640,619).

Regarding claim 1, Takayama et al. discloses an image sensing apparatus comprising an operation unit (area selection lever 7, figure 1, column 5, lines 55-60, column 6, lines 13-22, 30-46) configured to set manually image sensing conditions (a user slides the area selection lever 7 to select one of the focus detection areas 58a, 58b, 58c, column 6, lines 13-22) in the image sensing apparatus; a memory device (memory 46, figure 1, column 6, lines 35-46) configured to store the manually set image sensing conditions of the image sensing apparatus when the image sensing apparatus is turned off; determination means (when power switch 3 is turned on, and when a mode change signal has been sent from mode change button 6, the CPU 41 changes the mode in memory to manual mode, figure 4, column 7, lines 24-51) for determining whether or not manual mode is selected when the image sensing apparatus is turned on, wherein the manual mode enables a user to manually input an image sensing condition; control means for controlling to read the manually set image sensing conditions stored in said memory device and to automatically set the manually set image sensing conditions in the image sensing apparatus if it is determined that the manual mode is selected (CPU 41 reads the focus detection areas and display (set) on the focus detection area display 43, column 7, lines 24-51).

Regarding claim 2, Takayama et al. discloses said control means to set default image sensing conditions when turning on the image sensing apparatus (column 13, lines 34-43).

Regarding claims 3, 6, Takayama et al. discloses said predetermined image sensing condition is a manual image sensing mode (column 6, lines 7-12).

Regarding claims 4, 7, Takayama et al. discloses said predetermined image sensing condition is an ON state of storing image sensing conditions (column 6, lines 35-46).

Regarding claim 5, Takayama et al. discloses determination means (CPU 41, column 9, lines 30-55) also determines whether or not a predetermined image sensing condition is set; and the image sensing conditions are stored in a case where the predetermined image condition is set (memory 46, figure 1, column 6, lines 35-46).

Regarding claims 8, 18, Takayama et al. discloses the image sensing conditions are stored at a time of shutting down the image sensing apparatus (the automatic mode will be set when power source is engaged. This also means that the automatic mode is stored when power shut down, column 9, lines 18-21).

Regarding claims 9, 19, Takayama et al. discloses the image sensing conditions are stored at a time designated by a user (self timer, column 13, lines 34-42).

Regarding claims 10, 20, Takayama et al. discloses all of the image sensing conditions are stored in said memory (column 6, lines 40-45).

Regarding claims 11, 21, Takayama et al. discloses at least one of the image sensing conditions is stored in said memory (column 6, lines 40-45).

Regarding claims 12-17, claims 12-17 are method claim of apparatus claims 1, 3-7, respectively. Therefore, see Examiner's comments regarding claims 1, 3-7.

Regarding claims 22-23, all the limitations are contained in claims 12 and 15, except the feature "computer readable program code means," which is disclosed as "program" in Takayama et al., column 7, lines 24-65.

***Conclusion***

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

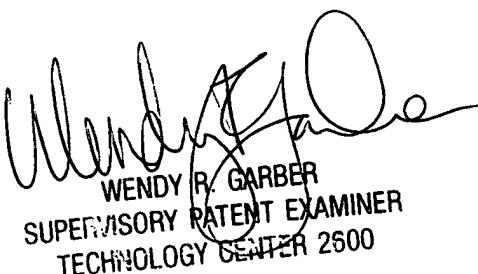
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (571) 272 - 7315. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (571) 272 -7308. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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